

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEVIN A. WHITTIER, individually,

Plaintiff,

v.

HARRIS STEEL, INC., a Delaware
corporation; NUCOR, INC. a Delaware
corporation; NUCOR STEEL SEATTLE,
INC., a Delaware Corporation; HARRIS
U.S. HOLDINGS, INC., a Delaware
Corporation; HARRIS REBAR
SERVICES CORP., INC., a corporation;
JANE AND JOHN DOES 1-10,

Defendants.

No. 2:18-cv-00217

**STIPULATION AND PROPOSED
ORDER FOR DISMISSAL AS TO
DEFENDANTS NUCOR STEEL
SEATTLE, INC. AND NUCOR
CORPORATION**

NOTE ON MOTION CALENDAR:
November 2, 2018

STIPULATION

Plaintiff Devin A. Whittier and Defendants Nucor Corporation and Nucor Steel Seattle, Inc. (collectively, the "Nucor Defendants") stipulate and agree, pursuant to Federal Rule of Civil Procedure 41(a)(2), that all claims by Plaintiff against the Nucor Defendants shall be dismissed without prejudice and without costs to either party. The Nucor Defendants further stipulate that they waive all statute of limitation arguments and defenses to being amended into *Whittier v. Harris Steel, Inc., et al.*, No. 2:18-cv-00217 and/or *Whittier v. Seattle Tunnel Partners, et al.*, No. 2:17-

*STIPULATION AND ORDER FOR DISMISSAL
AS TO NUCOR DEFENDANTS (NO. 18-CV-
00217) – 1*

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cv-00751, should Plaintiff discover evidence during the pendency of either lawsuit that establishes facts that potentially support a claim against the Nucor Defendants. No parties object to this stipulation. Voluntary dismissal of all claims against one or more defendants is proper under Rule 41(a)(2). *See Gen. Signal Corp. v. MCI Telecommc'ns Corp.*, 66 F.3d 1500, 1513 (9th Cir. 1995) ("Rule 41 is reserved for circumstances in which the result of the alleged dismissal is that one or all of the defendants are released from the action."), *cert. denied*, 516 U.S. 1146 (1996).

RESPECTFULLY SUBMITTED this 2nd day of November 2018.

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Attorneys for Plaintiff Devin Whittier

ORDER

It is so ordered.

DATED this 6th day of Nov., 2018.


The Honorable Robert S. Lasnik

STIPULATION AND ORDER FOR DISMISSAL
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